

FILED

October 28 2009

Ed Smith

CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

09-0578

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Case No. _____

HERMAN GONZALES; FAWN LYONS; KEN LAUDATO; LAWRENCE WALKER;
GARY MANSIKKA; GARY GALETTI; GREG WHITING; MARVIN KRONE;
RICHARD BLACK; JIM KELLY; CHRIS SOUSLEY, and all other similarly situated,

Plaintiffs and Appellees,

v.

MONTANA POWER COMPANY; NORTHWESTERN CORPORATION, a Delaware
corporation; PUTMAN AND ASSOCIATES, INC., a Montana corporation;
NORTHWESTERN ENERGY; NORTHWESTERN CORPORATION d/b/a
NORTHWESTERN ENERGY CORPORATION as a reorganized debtor, subsequent to
its plan confirmation, hereinafter referred to as NOR; and JOHN DOES II and III and
JOHN DOES IV thru XX,

Defendants and Appellants.

**DEFENDANT/APPELLANT PUTMAN & ASSOCIATES, INC.'S
NOTICE OF APPEAL**

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*Attorneys for Defendant/Appellant
NorthWestern Corporation as Reorganized
Debtor*

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Attorneys for Plaintiffs and Appellees

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Attorney for Plaintiffs and Appellees

NOTICE IS given that Putman & Associates, the Appellant above named and who is a defendant in that cause of action filed in the Second Judicial District, in and for the County of Butte-Silver Bow, as Cause No. DV-98-253, hereby appeals to the Supreme Court of the State of Montana from the "Order Granting Certification of Class Action Except for Fraud and Granting Leave to File Sixth Amended Complaint" entered in such action on the 30th day of September, 2009. A notice of appeal from this same Order was filed by Defendant/Appellant NorthWestern Corporation, as Reorganized Debtor, on October 19, 2009, and is now pending as Supreme Court Case No. DA 09-0587.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is subject to the mediation process required by Mont. R. App. P. 7. The money judgment being sought is not less than \$5,000.

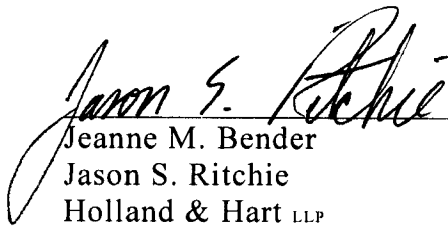
2. That this appeal is not an appeal from an order certified as final under Mont. R. Civ. P. 54(b).

3. That the notice required by Mont. R. App. P. 27 is not applicable to this appeal.

4. That all available transcripts of the proceedings in this cause were ordered from the court reporter by NorthWestern Corporation, as a reorganized debtor, on October 19, 2009.

5. That included herewith is the filing fee prescribed by statute.

Dated this 27th day of October, 2009.



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ATTORNEYS FOR DEFENDANT/
APPELLANT PUTMAN AND ASSOCIATES,
INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was duly served upon the following counsel of record as indicated below, either in person or at the address set forth below, on the 27th day of October, 2009.

Chris J. Ragar
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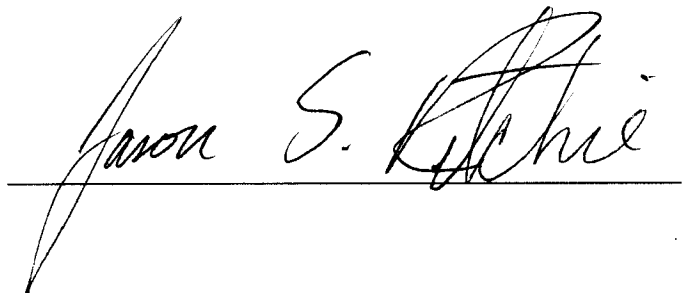
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Hon. Kurt Krueger
Butte-Silver Bow County
155 West Granite Street
Butte, MT 59701

Clerk of the Second Judicial District Court
Butte-Silver Bow County
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A handwritten signature in black ink, reading "Aaron S. Ritchie", is written over a horizontal line. The signature is fluid and cursive.